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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of this application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☐ This communication is responsive to _____.

☒ The allowed claim(s) is/are 1-16.

☐ The drawings filed on _____ are acceptable as formal drawings.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION.** ~~THE THREE-MONTH PERIOD FOR COMPLYING WITH THE REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL IS EXTENDABLE UNDER 37 CFR 1.801(c).~~

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for the Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1900-
1700

Daniel Zinker

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this Examiner's Amendment was given in a telephone interview with Jerome Drouillard on August 21, 2003.

3. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-16, drawn to methods for determining the fit of a weather strip for sealing a closure panel of a vehicle, classified in Class 49, subclass 506.

II. Claims 17-19, drawn to systems for determining the fit between a closure panel and a weather strip, or between first and second machine parts, classified in Class 428, subclass 343.

4. III. Claims 20-21, drawn to apparatus for preparing an interference indicating tape with a flexible carrier, classified in Class ___, subclass ___.

5. The inventions are distinct, each from the other because of the following reasons:

6. Inventions Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different

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modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the method of Group I utilizes the article of Group II together with additional different elements in conducting the method.

7. Inventions Group I and Group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions relate to a method for determining the fit of a weather strip, and apparatus for preparing an interference indicating tape which is one of multiple elements utilized in the aforementioned method and has no further relationship with the method.

8. Inventions Group II and Group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions relate to an article, and apparatus for producing that article, which can also be produced by, e.g. manual fabrication.

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9. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

10. During a telephone conversation with Jerome Drouillard on August 21, 2003 as previously set forth above a provisional election was made with traverse to prosecute the invention of Group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

12. In claim 3, line 2, delete "is" and insert therefor --are--.

Cancel non-elected claims 17-21.

13. The following is an examiner's statement of reasons for allowance:

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The Examiner believes that the prior art does not disclose, taken either individually or in a combination of teachings, a method for determining the fit of a weather strip for sealing a closure panel of a vehicle in which a flexible carrier (e.g. an adhesive tape) which has a transferable disclosing agent disposed thereon being attached to a closure panel which contacts the weather strip when the closure panel is in a closed position, whereupon the resulting pattern of the disclosure agent (e.g. frangible particles) which is removed from the flexible carrier due to the interaction of the closure panel and the carrier with the weather strip identifies whether an interference fit is present between the weather strip and the closure panel. The closest prior art, appears to be that set forth in paragraph No. 7 on page 2 of the specification, but the thin film which is trapped between the weather strip in the closure panel uses an entirely different mode of operation, i.e. changing color, to indicate the quality of the fit. However, to modify such a film so as to attain the flexible carrier having a transferable disclosing agent such as applicants employ is, at the very least, clearly hindsight without the benefit of an additional teaching. Note also Nozaki et al. -583, which discloses as does a significant amount of related prior art, the use of adhesive tapes in the attachment of weather strips to openings in the vehicle body, but has no relationship whatsoever

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to methods for determining the fit of a weather strip for sealing a closure panel of the vehicle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

August 21, 2003